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Time to answer or move extended to  
September 17, 2021. Initial conference  
set for July 28 is vacated and subject  
to rescheduling.  
SO ORDERED.

June 28, 2021 Dated: 6/29/2021

**VIA ECF**

The Honorable P. Kevin Castel  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

  
P. Kevin Castel  
United States District Judge

**Re: *Associated Newspapers Ltd. et al. v. Google LLC et al.*, No. 1:21-cv-03446-PKC**

Dear Judge Castel:

I write on behalf of Defendants Google LLC and Alphabet Inc. (“Defendants”) in the above-referenced case. Pursuant to your Individual Practices Rule 1(B), Defendants submit this letter requesting a further extension of time to respond to Associated Newspapers (U.S.A.) Limited’s and Mail Media, Inc.’s (“Plaintiffs”) Complaint in light of the schedule set by the Judicial Panel on Multidistrict Litigation (“JPML”).

The deadline for Defendants’ response to Plaintiffs’ Complaint is currently July 12, 2021. ECF No. 19. Defendants previously submitted a 60-day request for extension of time to respond to Plaintiffs’ Complaint, ECF No. 13, which was granted by the Court on May 5, 2021. ECF No. 19. That extension was requested in part because of Defendants’ then-anticipated Transfer Motion before the JPML. Defendants have since filed the Transfer Motion and the JPML will hear argument on that motion on July 29, 2021. Counsel for Plaintiffs has appeared in the case and requested to be heard at the July 29 hearing. It would be inefficient and wasteful for this case to proceed until the parties know where it will be venued. For this reason and the reasons set forth below, Defendants respectfully request that the Court extend Defendants’ deadline to move or otherwise respond to the Complaint to 21 days after the JPML resolves the pending Transfer Motion, or, if the Transfer Motion is granted, to the date by which the transferee judge orders Defendants to move or otherwise respond to the operative Complaint, whichever is later. That is the same deadline that has been set in the 13 other similar cases brought by other newspapers. The Initial Pretrial Conference in this matter has been set for July 28, 2021, ECF No. 19, and pursuant to your Individual Practices Rule 1(B), Defendants also respectfully request to adjourn the Initial Pretrial Conference to a date at the Court’s convenience at least 14 days after Defendants’ new deadline to respond to Plaintiffs’ Complaint.

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On April 30, 2021, Google filed a Transfer Motion with the JPML, which requested centralization of 19 currently pending actions (some of which are consolidations of multiple actions), including this action, alleging Google, either alone or in conjunction with Facebook, violated antitrust law based on actions related to, *inter alia*, Google's advertising technology services. *See generally* ECF No. 16-1. This case is one of 14 cases brought by newspaper publishers around the country asserting largely the same claims. (The other cases are the many cases already pending in the Northern District of California and the case brought by various state attorneys general in the Eastern District of Texas.) The JPML will hear argument on the Transfer Motion on July 29, 2021. *See* Hr'g Order, *In re: Digit. Advert. Antitrust Litig.*, MDL No. 3010 (J.P.M.L. June 16, 2021), ECF No. 91. Plaintiffs support centralization of their case with the other newspapers and with the alleged class of publishers and have requested to present argument.

In light of the pending Transfer Motion, there exists good cause to extend the deadline for Defendants to move or otherwise respond to the Complaint. The JPML is highly likely to grant Google's petition (at least in part and likely in full) due to, among other things, the number of pending actions, the fact that the actions are pending in 16 different federal district courts, the similarity of the claims in the actions, and the experience the Northern District of California has in these cases already. Indeed, the publisher class action (with which Plaintiffs seek centralization) is the result of the Northern District of California's consolidation of six separate suits and is already the subject of a motion to dismiss. And the other newspaper suits were filed in 12 different districts. In short, the Northern District is much more likely to be the recipient of the centralized proceeding, even if the Panel agrees with Plaintiffs' proposed alignment of the cases. As such, requiring Defendants to respond to the Complaint while the JPML evaluates centralization would be a waste of both the Court's and the parties' resources.

Defendants sought Plaintiffs' consent to the requested extension, but Plaintiffs refused. They did so despite the fact that all 13 other newspaper publishers who brought largely similar claims against Google agreed to the same extension. In those 13 other cases, stipulations were filed or the court granted Defendants' request for the identical extension requested of Plaintiffs. *See* Appendix A. In another related case, *Cliffy Care Landscaping LLC v. Facebook, Inc. and Google, LLC*, 1:21-cv-00360-KBJ (D.D.C.), plaintiffs have also agreed to the same extension and the parties expect to file a stipulation. Plaintiffs here appear to seek special treatment without any basis, unreasonably pushing to waste the Court's (as well as Defendants') time and resources.

For the foregoing reasons, Defendants respectfully request that the Court extend Defendants' deadline to move or otherwise respond to the Complaint to 21 days after the JPML resolves the pending Transfer Motion, or, if the Transfer Motion is granted, to the date by which the transferee judge orders Defendants to move or otherwise respond to the operative Complaint, whichever is later. Defendants also respectfully request to adjourn the Initial Pretrial Conference to a date at the Court's convenience at least 14 days after Defendants' new deadline to respond to Plaintiffs' Complaint.

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Thank you for the Court's attention to this matter and consideration of these requests.

Respectfully submitted,

/s/ Jonathan M. Jacobson

Jonathan M. Jacobson

*Counsel for Defendants*

*Google LLC and Alphabet Inc.*

cc: All counsel of record

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**APPENDIX A**

1. Stipulation to Extend Time to Move or Otherwise Respond to Complaint, *AIM Media Texas Operating, LLC v. Google LLC and Facebook, Inc.*, 7:21-cv-00150 (S.D. Tex. May 10, 2021), ECF No. 21.
2. Paperless Order, *Flag Publications, Inc. v. Google LLC and Facebook, Inc.*, 1:21-cv-00965-SAG (D. Md. May 12, 2021), ECF No. 29.
3. Order, *AIM Media Indiana Operating, LLC v. Google LLC and Facebook, Inc.*, 1:21-cv-00951-JPH-DLP (S.D. Ind. May 13, 2021), ECF No. 28.
4. Order, *Gale Force Media, LLC v. Google LLC and Facebook, Inc.*, 2:21-cv-09716-WJM-ESK (D.N.J. May 13, 2021), ECF No. 5.
5. Order, *HD Media Co., LLC v. Google LLC*, 3:21-cv-00077 (S.D. W. Va. May 13, 2021), ECF No. 23.
6. Stipulation to Extend Time to Move or Otherwise Respond to Complaint, *Coastal Point, LLC v. Google LLC and Facebook, Inc.*, 1:21-cv-00554-LPS (D. Del. June 21, 2021), ECF No. 9.
7. Stipulation to Extend Time to Move or Otherwise Respond to Complaint, *Clarksburg Publishing Company, d.b.a. WV News v. Google LLC and Facebook, Inc.*, 1:21-cv-00051-IMK (N.D. W. Va. June 22, 2021), ECF No. 27.
8. Stipulation to Extend Time to Move or Otherwise Respond to Complaint, *Ecent Corp. v. Google LLC and Facebook, Inc.*, 5:21-cv-00251 (S.D. W. Va. June 22, 2021), ECF No. 14.
9. Notation Order, *AIM Media Midwest Operating, LLC v. Google LLC and Facebook, Inc.*, 2:21-cv-01915-MHW-KAJ (S.D. Ohio June 23, 2021), ECF No. 16.
10. Order, *Brown County Publishing Co., Inc. v. Google LLC and Facebook, Inc.*, 1:21-cv-00498-WCG (E.D. Wis. June 23, 2021), ECF No. 8.
11. Text-Only Order, *Emmerich Newspapers, Inc. et al. v. Google LLC and Facebook, Inc.*, 3:21-cv-00274-HTW-LGI (S.D. Miss. June 23, 2021).
12. Order, *Journal, Inc. v. Google LLC and Facebook, Inc.*, 1:21-cv-00072-GHD-RP (N.D. Miss. June 23, 2021), ECF No. 14.

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13. Order, *Eagle Printing Co. v. Google LLC and Facebook, Inc.*, 2:21-cv-00518-MPK (W.D. Pa. June 28, 2021), ECF No. 15.